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Reissue Serial Number:)
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Applicants: Shigeo Morimoto et al.) Group Art Unit:
) 1623
Filed: January 28, 2004)
) Confirmation No:
In re Reissue Application) 3658
of U. S. Patent No. 6,342,590)
)
For: Erythromycin A Derivatives and) Examiner:
Method for Preparing Same) Elli Peselev

AMENDMENT AND RESPONSE TO FINAL REJECTION UNDER 37 C.F.R. § 1.116

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Madam:

Applicants respectfully request reconsideration of the rejections in the final office action mailed July 18, 2005. This response is being filed prior to the shortened statutory deadline of October 18, 2005, so Applicants believe that no petition to extend the time to respond is required. Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 16-0633.

A new specification has again been provided which inserts matter from the certificate of correction directly into the specification, as required by the examiner. This substitute specification was provided with Applicants' prior response dated June 24, 2005. In addition, a replacement paragraph and amended claim 1 are provided with this response, and include the certificate of correction changes.

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The replacement paragraph for the specification appears at page 3. Since this replacement paragraph is considered part of the original application as filed, see M.P.E.P § 1454, no underlining has been used.

A supplemental declaration has been provided with this response. Applicants submit that this supplemental declaration will overcome the rejections to claims 1 and 6-19, and will place these claims in condition for allowance.

Claim 1 has been amended to correct minor typographical errors existing in the original claim.

Claim 2 has been cancelled without prejudice to Applicants pursuing claim 2 in a continuing application.

Claims 3-5 have been amended to rewrite them in independent form, as requested by the examiner. Applicants acknowledge the examiner's statement on page 4 of the final rejection dated July 18, 2005, which stated that claims 3-5 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Applicants have enclosed a check for the fees for these additional independent claims. Please charge our Deposit Account No. 16-0633 for any additional fees, or if the claim fee amount has been erroneously calculated.

Applicants submit that these amendments place this application in condition for allowance. Applicants respectfully request entry of these amendments.

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